

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 960425- TT

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS:

TRACT 1: A PORTION OF A 5.899 ACRE TRACT OF LAND OUT OF THE ELISHA ALLEN 1/4 LEAGUE SURVEY NO. 130, ABSTRACT NO. 18, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A 5.899 ACRE TRACT OF LAND AS CONVEYED TO JOSEPH J. HAJJAR BY SPECIAL WARRANTY DEED, FROM "LR" NEIGHBORHOOD COMMERCIAL DISTRICT TO "CS-1-CO" COMMERCIAL-LIQUOR SALES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

TRACT 2: ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE ELISHA ALLEN 1/4 LEAGUE SURVEY NO. 130, ABSTRACT NO. 18, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A 5.902 ACRE TRACT OF LAND AS CONVEYED TO COLLECTING BANK, N.A. BY SUBSTITUTE TRUSTEE'S DEED FROM "LR" NEIGHBORHOOD COMMERCIAL DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS THE PROPERTY LOCATED AT THE INTERSECTION OF F. M. 620 AND BROADMEADE AVENUE, AND BEING MORE PARTICULARLY IDENTIFIED AS "TRACT 1" AND "TRACT 2" IN THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE, IN THE CITY OF AUSTIN, WILLIAMSON COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the respective base zoning districts and to establish a Conditional Overlay Combining district on all of the property described in File C14-95-0164, as follows:

Tract 1: From "LR" Neighborhood Commercial district to "CS-1-CO" Commercial-Liquor Sales District-Conditional Overlay Combining District

all that certain parcel or tract of land out of the Elisha Allen 1/4 League Survey, No. 130, Abstract No. 18, Williamson County, Texas; being a portion of a 5.899 acre tract as conveyed to Joseph J. Hajjar by Special Warranty Deed, and more particularly described by metes and bounds in Exhibit "B" attached hereto and incorporated herein for all purposes.

Tract 2: From "LR" Neighborhood Commercial district to "GR-CO" Community Commercial District Conditional Overlay Combining District

all that certain parcel or tract of land out of the Elisha Allen 1/4 League Survey No. 130, Abstract No. 18, Williamson County Texas; being a portion of a 5.902 acre tract, as conveyed to Collecting Bank N.A. by Substitute Trustee's Deed, and more particularly described by metes and bounds in Exhibit "C" attached hereto and incorporated herein for all purposes, [hereinafter "the Property"]

locally known as the Property located at the intersection of F. M. 620 and Broadmeade Avenue, and being more particularly identified as "Tract 1" and "Tract 2" in the map attached as Exhibit "A" to this ordinance, in the City of Austin, Williamson County, Texas.

PART 2. That the Property within the boundaries of the Conditional Overlay Combining Districts established by this ordinance is subject to the following condition:

CITY OF AUSTIN, TEXAS

The following uses shall be prohibited on Tract 1 and Tract 2:

- | | |
|--|----------------------------------|
| 1. Automotive repair services, | 6. Indoor entertainment, |
| 2. Automotive sales, | 7. Indoor sports and recreation, |
| 3. Automotive washing (any type whether
automatic or mechanical or self service), | 8. Hotel-Motel |
| 4. Drop-Off Recycling Collection Facility, | 9. Theater |
| 5. Exterminating services, | |

In addition the Property within the boundaries of the Conditional Overlay Combining Districts (Tract 1 and Tract 2) established by this ordinance is subject to the following conditions:

1. Business or trade schools as defined in Section 13-2-3 of the Land Development Code are permitted within the boundaries of the Conditional Overlay Combining District established by this ordinance; save and except that those trade schools which teach manual labor skills such as automotive and equipment service and repair, air-conditioning and heating maintenance and repair, refrigeration maintenance and repair, appliance repair, welding and any other industrial skills shall be prohibited within the Conditional Overlay Combining District.
2. Restaurants (Drive-In, Fast Food) as defined in Section 13-2-3 of the Land Development Code shall be prohibited within the boundaries of the Conditional Overlay Combining District established by this ordinance unless such restaurants provide seating facilities for on site consumption of food and beverages.

In addition to the above listed prohibited uses, all permitted uses in CS-1 (Commercial-Liquor Sales) shall be prohibited in the Property within the boundaries of Tract 1 of the Conditional Overlay Combining District established by this ordinance, save and except for a single liquor store not to exceed 5,000 square feet of total leased floor space.

Except as specifically restricted by this ordinance, the Property within the boundaries of Tract 1 and Tract 2 may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development.

PART 3. That it is ordered that the Zoning Map established by Section 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 4. That the requirements imposed by Sections 2-2-3, 2-2-5, and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

PART 5. That this ordinance shall become effective upon the expiration of 10 days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

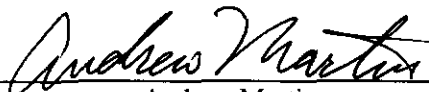
April 25, 1996

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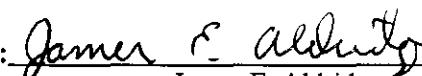
Bruce Todd
Mayor

APPROVED:

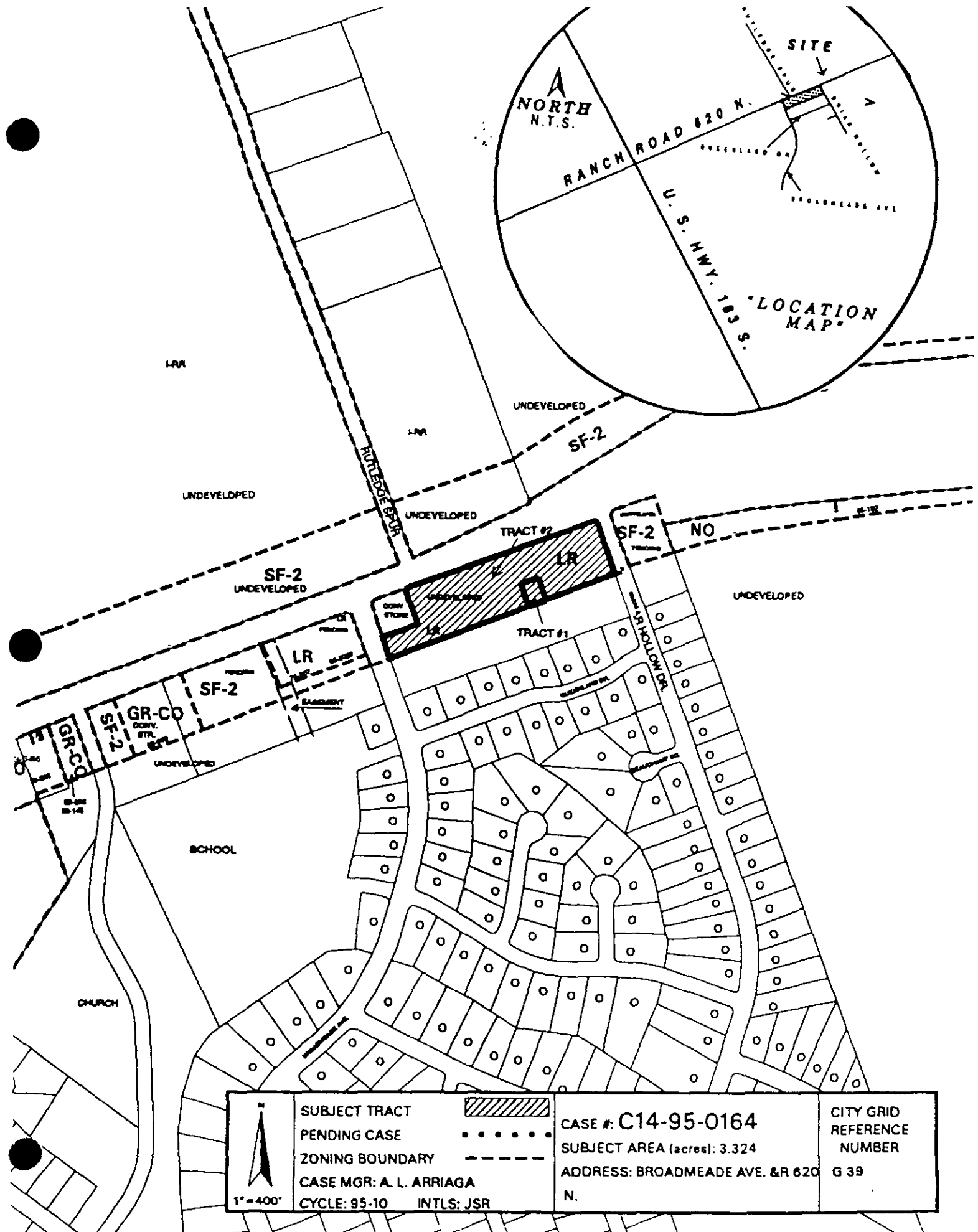






Andrew Martin
City Attorney

ATTEST:



James E. Aldridge
City Clerk



 1" = 400'	SUBJECT TRACT		CASE #: C14-95-0164	CITY GRID REFERENCE NUMBER G 39
	PENDING CASE		SUBJECT AREA (acres): 3.324	
	ZONING BOUNDARY		ADDRESS: BROADMEADE AVE. & R 620 N.	
	CASE MGR: A. L. ARRIAGA			
	CYCLE: 95-10	INTLS: JSR		

"Exhibit A" 960425-TT

FIELD NOTES
CS-1 ZONING

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE ELISHA ALLEN 1/4 LEAGUE SURVEY NO. 130, ABSTRACT NO. 18, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A 5.899-ACRE TRACT (TRACT B), AS CONVEYED TO JOSEPH J. HAJJAR BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 2432, PAGE 871 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for POINT OF REFERENCE at a 1/2" iron rod found on the west right-of-way line of Briar Hollow Drive at the northeast corner of Lot 795, Forest North Estates Phase Four, a subdivision as recorded in Cabinet C, Slides 106-108 of the Plat Records of Williamson County, Texas, said iron rod found also being the southeast corner of the above described Collecting Bank, N.A. 5.902-acre tract (Tract II); Thence, with the north line of said Lot 795, S71°00'00"W a distance of 4.99 feet to a 1/2" iron rod set with cap stamped TERRA FIRMA at the intersection with the proposed west right-of-way line of Briar Hollow Drive; Thence, with the proposed west right-of-way line of Briar Hollow Drive, N18°49'43"W a distance of 141.16 feet to a point on the city limit line of the City of Austin; Thence, with the city limit line of the City of Austin, S70°44'16"W a distance of 237.50 feet to a point for the southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, continuing with the city limit line of the City of Austin, S70°44'16"W a distance of 62.50 feet to a point for the southwest corner of this tract;


THENCE N18° 49' 43"W a distance of 80.00 feet to a point for the northwest corner of this tract;

THENCE N70°44'16"E a distance of 62.50 feet to a point for the northeast corner of this tract;

THENCE S18° 49' 43"E a distance of 80.00 feet to the POINT OF

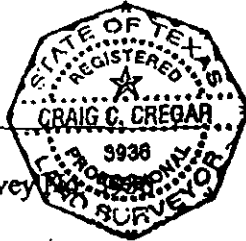
BEGINNING, and containing 5,000 square feet of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma from calculations and a survey made on the ground on January 6, 1993 under my supervision and are true and correct to the best of my knowledge.



Craig C. Cregar

Registered Professional Land Surveyor



4/22/96
Date

Revised: April 22, 1996
Client: Joseph Hajjar
Date: April 18, 1996
WO No.: 0045-08-07
FB No.: 34
Disk: AUS5.999

FIELD NOTES
TRACT B (CITY OF AUSTIN) - ZONING

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE ELISHA ALLEN 1/4 LEAGUE SURVEY NO. 130, ABSTRACT NO. 18, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A 5.902-ACRE TRACT (TRACT II), AS CONVEYED TO COLLECTING BANK, N.A. BY SUBSTITUTE TRUSTEE'S DEED RECORDED IN VOLUME 1775, PAGE 846 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for POINT OF REFERENCE at a 1/2" iron rod found on the west right-of-way line of Briar Hollow Drive at the northeast corner of Lot 795, Forest North Estates Phase Four, a subdivision as recorded in Cabinet C, Slides 106-108 of the Plat Records of Williamson County, Texas, said iron rod found also being the southeast corner of the above described Collecting Bank, N.A. 5.902-acre tract (Tract II); Thence, with the west right-of-way line of Briar Hollow Drive, N18°45'00"W a distance of 141.19 feet to a point on the city limit line of the City of Austin for the southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the city limit line of the City of Austin, S70°44'16"W a distance of 802.56 feet to a point on the east right-of-way line of Broadmeade Avenue for the southwest corner of this tract;

THENCE, with the east right-of-way line of Broadmeade Avenue, N19° 10' 04"W a distance of 74.63 feet to a 1/2" iron rod found at the southwest corner of Lot 1, Forest North Estates Phase VI A, a subdivision as recorded in Cabinet D, Slide 253 of the Plat Records of Williamson County, Texas;

THENCE, with the south line of Lot 1 of said Forest North Estates Phase VI A along the south edge of a concrete wall, N70° 34' 11"E a distance of 125.05 feet to a 1/2" iron rod found for an inside corner of this tract;

THENCE, with the east line of Lot 1 of said Forest North Estates Phase VI A along the east edge of a concrete wall, N19° 18' 49"W a distance of 125.00 feet to a 1/2" iron rod set with cap stamped TERRA FIRMA on the south right-of-way line of RM Highway 620 for the most northerly northwest corner of this tract;

Exhibit C

960425-TT

THENCE, with the south right-of-way line of RM Highway 620, N70° 44' 16"E a distance of 655.97 feet to a 1/2" iron rod found at the intersection with the west right-of-way line of Briar Hollow Drive at a nontangent point of curvature of a curve to the right;

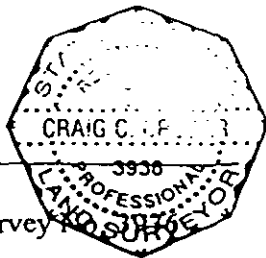
THENCE, with the west right-of-way line of Briar Hollow Drive, the following two (2) courses:

- (1) Along said curve to the right an arc distance of 35.33 feet, having a radius of 20.00 feet and a chord which bears S67° 41' 19"E a distance of 30.92 feet to a 1/2" iron rod set with cap stamped TERRA FIRMA at a point of tangency; and
- (2) S18° 45' 00"E a distance of 179.49 feet to the POINT OF BEGINNING, and containing 3.327 acres of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma from a survey made on the ground on January 6, 1993 under my supervision and are true and correct to the best of my knowledge.



Craig C. Gagar
Registered Professional Land Surveyor



10/5/95
Date

Client: Joseph Hajjar
Date: October 5, 1995
WO No.: 0045-08-03
FB No.: 34
Disk: AUS5.999

16

PO#: 960425-TT

Ad ID#: 67M701100

Acct #: 4992499

Austin American-Statesman

Acct. Name: City Clerk

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

David DeVargas

Classified Advertising Agent of the *Austin American-Statesman*, a daily newspaper published in said County and State that is generally circulated in Travis, Hays, Burnet and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

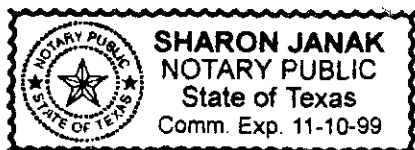
Date (s): June 11th, 1996

Class: 9980 Lines: 57 Cost: \$140.22

and that the attached is a true copy of said advertisement.

David DeVargas

SWORN AND SUBSCRIBED TO BEFORE ME, this the 11th day of June 1996.



Sharon Janak
Notary Public in and for
TRAVIS COUNTY, TEXAS

Sharon Janak
(Type or Print Name of Notary)

My Commission Expires: 11/10/99

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ING MAP ACCOMPANYING CHAP-
TER 13-2 OF THE AUSTIN CITY CODE
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DEED, FROM "L" NEIGHBORHOOD
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DISTRICT - CONDITIONAL OVERLAY
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LOCATED AT THE INTERSECTION OF
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AND "TRACT 2" IN THE MAP AT-
TACHED AS EXHIBIT "A" TO THIS
ORDINANCE, IN THE CITY OF AUSTIN,
WILLIAMSON COUNTY, TEXAS,
WAIVING THE REQUIREMENTS OF
SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF
THE AUSTIN CITY CODE OF 1992,
AND PROVIDING AN EFFECTIVE
DATE.
MAYOR BRUCE TODD
AUSTIN, TEXAS
AUSTIN CITY CODE OF 1992, AS
AMENDED, TO AUTHORIZE PEDIA-
TRIC INTENSIVE CARE TRANSFER BY
MEDICAL TRANSFER SERVICES PRO-
VIDERS, WAIVING THE REQUIRE-
MENTS OF SECTIONS 2-2-3, 2-2-5,
AND 2-2-7 OF THE AUSTIN CITY
CODE OF 1992, AND PROVIDING
AN EFFECTIVE DATE.